

Office of the State Public Defender

Administrative Policies

Subject: Case Management Program and Data Certification	Policy No.: 215
Title: 47	Number of Pages: 4
Section: 1-119(3)	Last Review Date: 9-3-21
Effective Date: 10-1-09	Revision Date: 9-3-21

1.0 POLICY

The case management program is the agency's core application to collect and report data and assist in the representation of Montanans entitled to counsel at public expense. All employees of the agency shall use the case management program as required by their job responsibilities.

2.0 PROCEDURE

2.1 Initial Case Information

Supervising attorneys in all divisions (Regional Deputy Public Defenders or Managing Attorneys) shall ensure that cases are assigned and opened on a daily basis.

2.1.1 Upon receipt of a notice of appointment of OPD to represent a client in need of public defender services, the supervising attorney or designee determines whether the case will be assigned to a contract attorney, to a state-employed public defender (FTE) or referred to the Conflict Defender Division.

2.1.2 All case information must be entered into the case management system and a case ID number attached to that case **prior to** the delivery of the case file to the assigned attorney, whether FTE, contract or conflict. If the opening of a case is delayed, the "Receive Date" must accurately reflect the intake date. All opened cases for a particular month must be entered into the database within 10 days of month end.

2.1.3 Certain mandatory information is required by the case management system to ensure accurate reporting.

2.2 Eligibility Determination

2.2.1 The Eligibility Specialist (ES) will ensure that the Application for Court-Appointed Counsel form and all supporting documents are scanned into the client name record in the case management system.

2.2.2 All events related to eligibility determination will be properly coded and calendared for follow-up to ensure accurate reporting.

2.2.3 The status for applications approved presumptively or within 133% of the federal poverty guideline will automatically flow into the case record. Applications approved under the hardship provision and all denied applications must be entered in both the client name record and the case record to be accurately reported.

2.2.4 An eligibility outcome must be entered for every case based on the agency's current coding scheme.

2.2.5 All documents related to eligibility determination must be specified as "application materials received" whether generated in the case management system or received from other sources.

2.2.6 The Eligibility Supervisors will use the case management system to audit compliance with statutory and administrative policies on a monthly basis.

2.3 Dispositional Information

Supervising attorneys shall ensure that dispositional information is entered into the case management system after the conclusion of a case. Each FTE attorney shall close cases in conformity with OPD Policy 106, and all closures must be entered into

the database within 10 days of month end. It is essential that the "Date Closed" entered in the database reflect the actual date of closure, NOT the date of data entry.

2.4 Time Tracking

- 2.4.1 Attorneys, Investigators, and Case Managers shall keep track of time, in increments of one tenth of an hour, on each case, on a daily basis. Pending time shall be submitted on a weekly basis.
- 2.4.2 Attorneys shall input time into the case management system and not delegate the task to staff, outside of unusual circumstances.
- 2.4.3 It is critical to accurate reporting that attorneys associate time worked to each case.
- 2.4.4 Attorneys, Investigators, and Case Managers must report time worked on individual cases.
- 2.4.5 Only non-case related time may be allotted to administrative time tracking.

2.5 Time Entry Review

- 2.5.1 Supervising attorneys will be responsible for reviewing their direct reports to assure that data has been input in a uniform manner pursuant to OPD Policy 210, Required Reporting.
- 2.5.2 Supervisors shall review all required employee's time submissions on a weekly basis to ensure required time submissions are being entered.
- 2.5.3 When an employee required to track time is not tracking time on a weekly basis, it is the responsibility of the supervisor to work with the employee to ensure they have time available and adequate training to enter time.
- 2.5.4 If, after efforts of the supervisor to assist, an employee still does not track time, the employee will be given a formal disciplinary letter with a corrective action plan. The letter of discipline will be maintained in the employee's personnel file for six months.

2.6 Calendars

- 2.6.1 Attorneys, staff and investigators shall calendar case events, appointments and case deadlines in the case management system.
- 2.6.2 Attorneys are professionally required to maintain an independent back up calendar.
- 2.6.3 Attorneys within a region shall have access to other attorneys' calendars within that region and division.
- 2.6.4 Staff shall assist attorneys and investigators in maintaining accurate calendars.

2.7 Case Notes

Attorneys, staff and investigators, are required to enter notes in the case management system detailing case work and contacts with clients. Notes must be entered within the case record.

2.8 Client Contact Information

Attorneys, staff and investigators shall maintain updated and accurate contact information for clients in the case management system. Before staff updates information by phone, the client must provide two of the following pieces of information to verify their identity:

- Date of Birth
- Last 4 numbers of Social Security Number
- Address
- Phone number
- Email address

2.9 Access to Client Portals

Clients have access to the case management Client Information Portal and the Client Payment Portal using their Name ID. The Name ID will never be released by phone. The client will be referred to the Name ID Recovery System.

2.10 Electronic Filing Cabinet

2.10.1 To the extent possible, supervisors shall ensure that information received electronically is maintained in the case management system filing cabinet.

2.10.2 Offices shall comply with all developing OPD standards for both electronic filing and electronic records management to assure client records are complete and maintained consistently throughout the system.

2.10.3 The use of electronic copies, electronic service on opposing parties, and electronic retention of case materials is encouraged throughout the agency to reduce overhead costs and the impact on the environment.

2.10.4 Offices shall arrange for clients to receive documents electronically if the client consents.

2.11 Document Generation

The Central Services Division shall support regional and local offices in maintaining and developing documents in compliance with local court rules.

2.12 Attorney Reports

The Central Services Division shall support regional and local offices in providing reports required to maintain regional and local operations.

2.13 User Rights

User rights within the case management system are based on each individual employee's duties and responsibilities. Requests for changes in user rights shall be made through the employee's supervisor.

2.14 Violation

Violation of any provision of this policy may result in disciplinary action up to and including termination.

3.0 AUDITING AND CERTIFICATION

The status of each case must be reviewed and certified to the Central Services Division on a regular basis.

3.1. Monthly Review

3.1.1 All FTE attorneys must review their assigned open and inactive cases within the first week of the month using the Open and Inactive Cases by Attorney Report.

3.1.2 Changes to case status must be identified on this report, and provided to an assigned support staff member in the office, so that all changes are updated in the database within 10 days of month end.

3.1.3 Support staff will document each change made to case status, certifying that the database has been updated, and/or that notations were made to the case status notes on the file and return the report to the attorney.

3.1.4 The monthly Open and Inactive Cases by Attorney reports will be maintained by each attorney for the purpose of the quarterly certification review.

3.2. Quarterly Review

- 3.2.1 On a quarterly basis, supervisors must meet with each FTE attorney to review their monthly reports. This review is intended to ensure that the status of each case is current in the database.
- 3.2.2 The reviewing manager will certify that this review process is complete by signing the Open and Inactive Cases by Attorney Reports and returning them to the attorney to be retained in accordance with the retention policy.
- 3.2.3 Supervising attorneys and division administrators will certify the accuracy of their data on a quarterly basis on a form provided by the Central Services Division.

4.0 CLOSING

Questions about this policy should be directed to:

Office of the State Public Defender
Central Services Division
17 W. Galena
Butte, Montana 59701
(406) 496-6080